

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on June 18, 2010 which has been reviewed and carefully considered. Entry of the present application and allowance in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2, 4-6, 8-15, 18 and 20-25 are pending in this application, where claims 1, 5-6 and 8-9 are independent.

In the Final Office Action, claim 6 is rejected under 35 U.S.C. §112, second and sixth paragraphs and claims 14-15 and 24 are objected to for depending from rejected claim 6. This rejection is respectfully traversed. However, without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, claim 6 has been amended for better conformance with 35 U.S.C. §112, second paragraph including removal means plus function features thus rendering inapplicable 35 U.S.C. §112, sixth paragraph. It is respectfully submitted that these rejections of claim 6 under 35 U.S.C. §112, second and sixth paragraph, and objection to claims 14-15 and 24, are overcome. Accordingly, withdrawal of these rejections and objection is respectfully requested.

In the Final Office Action, claims 1-2, 4-6, 8-15 and 20-25 are rejected under 35 U.S.C. §103(a) over WO 01/90860 (Schwartz) in view of U.S. Patent No. 6,405,203 (Collart). Further, claim 18 is rejected under 35 U.S.C. §103(a) over Schwartz in view of Collart and U.S. Patent Application Publication No. 2003/0110192 (Valente). It is

respectfully submitted that claims 1-2, 4-6, 8-15, 18 and 20-25 are patentable over Schwartz, Collart and Valente for at least the following reasons.

Schwartz is directed to a method for authenticating that a specified pre-recorded media (e.g., CD) is inserted into a drive for granting access to restricted content related to a specific prerecorded media. As recited on page 2, lines 10-17, the Schwartz method authenticates a CD by "generating a unique identifier from the contents." (Schwartz, page 2, line 12; emphasis added) The "unique identifier [is passed] to a verification script on the Internet." (Schwartz, page 5, line 10) A bonus track is downloaded to the user's computer if "the unique identifier that is sent from the user's computer matches the identifier of the audio CD that is qualified for the download (Schwartz, page 5, line 21-22; emphasis added)

As correctly noted on page 5, last paragraph of the Final Office Action, Schwartz does not disclose or suggest that "the memory medium properties include a region code of the memory medium," as recited in independent claims 1, 5-6 and 8-9. Collart is cited in an attempt to remedy the deficiencies in Schwartz.

Collart is directed to a method for preventing unauthorized users from using the content of an electronic storage medium, where distribution of content is electronically **tracked**. As shown in FIG 2 and described on column 19, lines 7-25, information collected by a RemoteTrak/BCATrak Server 230 is used to track pirated DVDs, and report the information back to the manufacturer, the distributor and the retailer. This capability provides the ability to localize pirated discs to a specific region/retailer where illegal region

code use is tracked and potentially trace back to retailer/distributor.

It is respectfully submitted that Schwartz, Collart, and combination thereof do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 5-6 and 8-9 which, amongst other patentable elements, recites (illustrative emphasis provided):

authenticating the memory medium **by comparing** said memory medium properties with corresponding properties of a corresponding memory medium legally produced by a provider, before sending the additional data to the device,...

wherein the memory medium properties include a **region code** of the memory medium.

Authenticating a memory medium using a region code, namely, **by comparing** the **region code** (of the memory medium) **itself** with a corresponding region code of a corresponding memory medium legally produced by a provider, before sending the additional data to the device is nowhere disclosed or suggested in Schwartz and Collart, alone or in combination. Rather, in Collart, region codes are used to track pirated DVDs and trace the back to a retailer/distributor.

At best, the combination of Schwartz and Collart discloses or suggests using the Collart region code to track and localize pirated discs, or using the Collart region code to generate the Schwartz unique identifier for comparison and match in order to allow download of a bonus track. **Comparing** the memory medium **region code itself** to provide **authentication** before sending additional data is nowhere disclosed or suggested in Schwartz, Collart, and combination thereof. Rather, the unique Schwartz **unique identifier**


is compared, and not the region code itself, where this unique Schwartz unique identifier is generated using the Collart region code. Valente is cited to allegedly show other features and does not remedy the deficiencies in Schwartz and Collart.

Accordingly, it is respectfully requested that independent claims 1, 5-6 and 8-9 be allowed. In addition, it is respectfully submitted that claims 2, 4, 10-15, 18 and 20-25 should also be allowed at least based on their dependence from independent claims 1 and 5-6 as well as their individually patentable elements, as well as their individually patentable elements. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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